

|   |                    |
|---|--------------------|
| <b>Section 2. Commercial Lodging</b>      | Page 1 of 5        |
| Subsection: 2.4 Clarifications and Issues | Revised 10/18/2010 |

**Lodging Establishment versus Apartments.** The key to this determination is residency. There are many lodging establishments that do all or part of their business as long term stays, which is normally on a monthly basis. The majority of guests at these establishments have a residence elsewhere. To determine if this is the guest's residence consider: do they receive mail at this location, do they pay for their own telephone and utilities and have a number of the guests been there for multiple years. It is possible for a business to operate with a portion of the units being apartments and part of the business being a lodging establishment. If a business advertises as a motel (including a road sign) or has at least five units that accommodate lodging establishment-type rentals, they are a lodging establishment and must be licensed.

**Camps** owned by a school or church that is used for their functions (camping sessions, retreats, meetings) is exempt in the law from being a lodging establishment. The typical summer church camps, Girl or Boy Scout camps, and sport camps are not lodging establishments. There are camps that commonly rent their facilities to other organizations for events or offer lodging accommodations to the public, these would be lodging establishments and require a license.

**Condominiums** are lodging establishments if a single entity **owns** five or more units that are available to be rented. If all of the units of a condo have been sold and belong to different individuals, even if a management company's rental program manages more than five, it is not a lodging establishment. Often when a facility is built, as units are being sold, the owner will make unsold units available for rental, if there are more than five owned by the same entity they will need to be licensed.

**Time Shares**, typically, are not lodging establishments. If a timeshare operation has "unsold weeks" on a nightly rental program, the number of rooms and the individual rooms available would change weekly. It is impossible to apply the provisions of the lodging regulations under these circumstances and we would not consider them to be lodging establishments. If a timeshare operation has a set block of rooms that are available for rental for a substantial time they would be a lodging establishment and require a license.

|   |                    |
|---|--------------------|
| <b>Section 2. Commercial Lodging</b>      | Page 2 of 5        |
| Subsection: 2.4 Clarifications and Issues | Revised 10/18/2010 |

### **Swimming Pool and Spas**

- A professional engineer or architect shall design new swimming pools and they must be designed to comply with a national swimming pool standard. The regulation does not specify which national standard, so any national standard is acceptable.
- If the swimming pool and/or spa is closed during the time of inspection, a return visit must be conducted while the swimming pool/spa is open to observe the operation and maintenance.

### **Bedbugs**

Bedbugs, which were once nearly eliminated in the United States, are making an impressive and troublesome comeback. Bedbug infestations are not just associated with filth and squalor; bedbugs are efficient hitchhikers that can move from one location to another on clothes, bedding and suitcases. Bedbugs are a nuisance issue and studies have not shown that they transmit communicable disease. However, with bedbug bites, a person runs the risk of secondary infection.

Since DHSS has been tracking bedbug complaints, there has been a rise in the number of complaints in lodging establishments. The following are the lodging program guidelines concerning bedbugs:

- During routine inspections pay particular attention to mattress seams, bedding and around the headboard area. Signs could be reddish brown spots on sheets or mattress, eggs, molted shells or the bedbugs themselves.
- Investigate bedbug complaints promptly.
- Inspect the room(s) identified in the complaint and the adjacent rooms. Select a random sample of rooms throughout the facility as well.
- If signs of bedbugs are found, have the affected rooms taken out of service.
- In addition, the lodging establishment will employ the services of a Missouri Department of Agriculture licensed pest control operator (PCO) to address the issue.
- The rooms that have been identified by the inspector, along with any rooms identified by the PCO will remain out of service until the PCO provides documentation that the rooms have effectively been treated and are safe for use.
- A reinspection of the facility should occur in 4 weeks.

The following websites provide excellent information about bedbugs:

<http://www.extension.umn.edu/distribution/housingandclothing/DK1022.html>

<http://www.uky.edu/Ag/Entomology/entfacts/struct/ef636.htm>

|                                      |                    |
|--------------------------------------|--------------------|
| <b>Section 2. Commercial Lodging</b> | Page 3 of 5        |
|                                      | Revised 10/18/2010 |

### **Emergency Lighting**

Part (3)(D)2.J.(I) of the lodging rule on page 17 of the red book requires emergency lighting in interior corridors and where guest room doors open to the outside but not at grade. This second condition would normally be a balcony. The requirement for balconies to have emergency lighting is new with the current regulation so pay special attention to this requirement during inspections.

We have been asked questions about the spacing of emergency lighting fixtures. While not explicitly spelled out in the lodging requirement, the standard of most codes and the reasonable expectation is that the entire path of egress be lighted. Most codes require 1 foot-candle of light at the floor for at least 30 minutes after a power failure. Since different fixtures have different sizes of light bulbs and batteries, they will therefore give out different amounts of light, generic spacing recommendations are impossible. The dealer, product information sheets or experimentation must be used to determine actual spacing and location of emergency lighting units.

### **Exit Lighting**

Parts (3)(D)2.H. and I. of the lodging rule on page 17 of the red book require exit lighting for interior corridors and where guest room doors open to the outside but not at grade. Like emergency lighting, this is a new requirement for balconies. The requirement states that exit signs must be lighted at all times, this includes during power outages. Normally this is accomplished by an onboard rechargeable battery pack that lights the sign when power goes off. These signs should have a test button to check the function of this system. These should be tested as part of a routine inspection (a few buildings are equipped with emergency generators and will have emergency and exit lighting that is not readily tested on an inspection).

We have been asked about the acceptability of tritium exit signs. These signs use tritium gas from a radioactive isotope to make the sign self-illuminating. These exit signs, when properly functioning, meet the requirement of the lodging regulation. That being said, we would discourage their use. Normally these signs have a life expectancy of 5 to 25 years depending on the amount of tritium they contain. They get progressively dimmer as they near the end of their life cycle. Given that the signs normally have a very soft glow, it can be difficult to evaluate their performance in well-lighted conditions. Since they contain radioactive material, there are special cleanup procedures that must be applied if one of the signs is broken, and special disposal requirements when the signs expire. If these procedures are not followed they can become an environmental hazard.

### **Balcony and Stair Railings**

Paragraph (3)(E)2. of the lodging rule on page 20 of the red book give height and spacing dimension requirements for stair and balcony railings. Following are pertinent points about these requirements:

|   |                    |
|---|--------------------|
| <b>Section 2. Commercial Lodging</b>      | Page 4 of 5        |
| Subsection: 2.4 Clarifications and Issues | Revised 10/18/2010 |

- They only apply to stairs and balconies that are part of a means of egress. A balcony is to be considered any landing or surface over 30 inches above the adjacent ground level.
- Obviously, the same public health concerns would apply to all balconies, and hopefully we can address the issue in a future revision of the regulation. For now, we can recommend all balcony and stair railings comply with these standards, but can only compel compliance for those that are part of an egress.
- The regulation provides for acceptance of existing railings if approved by the administrative authority. For many years and in many areas, building codes required balcony railings to be at least 36 inches high and have 6 inch spacing between the guards. Existing railings built to this standard may be accepted; however, no railings lower than 36 inches high or guard spacing greater than 6 inches are acceptable. If railings must be modified, they must fully comply with the current standard of 42 inches high with a 4-inch guard spacing. We would encourage all railings be brought to this standard.

### **Extension Cords**

**Extension cords may not be used in place of fixed wiring.** Nearly all building and electrical codes prohibit using extension cords in place of fixed wiring. Extension cords should only be used to power portable devices for immediate and short-term use. To use a power drill and Christmas lighting would be two examples. If strictly enforced, this would eliminate all routine use of extension cords in guest rooms of lodging establishments. If a hotel operator wants to place a lamp where no electrical outlet is available, they should have an electrician install a power receptacle where it is needed instead of using an extension cord. **If the extension cord is over six feet long, it must have properly sized wire or overcurrent protection.**

Following is a brief account from a news article:

“Two young children were injured in a fire caused by an overloaded extension cord in their family’s home. A lamp, TV set, and electric heater had been plugged into a single, light-duty extension cord.”

Unfortunately this type of event has been repeated many times throughout the years. It is this type of situation the lodging regulation seeks to eliminate. Trying to carry excessive power loads through small wire causes heat to build up. Wiring in lodging establishments will be protected by fuses or circuit breakers to prevent excessive power loads. A typical wall outlet will be protected by a 15 or 20-amp fuse or breaker. If an appliance with a 20 amp draw rating is attached to a circuit with a 15 amp fuse or breaker the fuse will blow or the breaker will trip cutting power to the circuit preventing the wire from overheating. Below are common wire sizes for building wires and extension cords with the amp rating they can safely carry.

| Wire size | Amp rating |
|-----------|------------|
| 10 gauge  | 30 amps    |
| 12 gauge  | 20 amps    |
| 14 gauge  | 15 amps    |
| 16 gauge  | 10 amps    |
| 18 gauge  | 5 amps     |

If a motel is wired with 12-gauge wire and 20 amp breakers, all is well until an 18-gauge extension cord is brought in to power a lamp or an alarm clock. A lamp or alarm clock will draw less than 5 amps so no overheating will occur, the problem lies if a guest brings in a hot plate, space heater or clothes iron that draw 10 amps and power it with the extension cord rated for 5 amps. In this case the extension cord can overheat and be a fire hazard. The same hazard would exist if an undersized extension cord is used to power a soda dispensing machine, ice machine or other appliances in a mechanical area. The regulation gives two acceptable means of dealing with this. First is to use an extension cord with wire size to match the breaker or fuse protecting the electrical circuit it is plugged into. If a circuit has a 15-amp breaker or fuse an extension cord with at least 14-gauge wire would need no further protection. For a 20-amp circuit the extension cord would need to be 12-gauge. The other option is to use overprotection. Some extension cords have built in overprotection. A 16-gauge extension cord would have a 10-amp breaker built into it. They also make stand alone overprotection devices. If a wall outlet is on a 20 amp circuit (and since the fuse or breaker boxes are to be accessible and clearly labeled, it is easy to check) and someone wanted to use a 16-gauge extension cord, they could plug in a 10 amp overprotection device into the wall outlet and the extension cord into the overprotection device.

**No more than two extension cords per guest room**

This means not more than two extension cords per guest room. Additional extension cords may be used in mechanical or common areas, if they meet the other requirements for their use.

Multiple outlet adapters are not considered to be extension cords.